

PROB 12C
(6/96)

United States District Court

for

WESTERN DISTRICT OF TEXAS

AMENDED

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Andrew Castillo

Case Number: A-08-CR-286(1)-LY

Name of Sentencing Judicial Officer: Honorable Sam Sparks, Senior United States District Judge

Date of Original Sentence: December 22, 2008

Original Offense: Possession of a Firearm by a Convicted Felon, in violations of 18 U.S.C. § 922(g)(1), and 18 U.S.C. § 924(d)

Original Sentence: 120 months custody of the Bureau of Prisons, followed by a three (3) year term of supervised release; with special conditions for alcohol abstinence, participation in substance abuse and mental health program, financial disclosure, participation in workforce development program, no contact with members or associates of the Texas Syndicate or any street gang.

On October 27, 2011, an Order was signed by the Court regarding a motion for sentence reduction. The offender's sentence was reduced from 120 months of imprisonment to 66 months with all other terms and provisions of the original judgment to remain in effect.

Type of Supervision: Supervised Release

Date Supervision Commenced: August 5, 2019

Assistant U.S. Attorney: Grant Sparks

Defense Attorney: William H. Ibbotson (FPD)

PREVIOUS COURT ACTION

On September 25, 2020, a Report on Offender Under Supervision was submitted to the Court notifying of the offender's arrests for Driving While Intoxicated 3rd (Felony) and Possession of a Controlled Substance-Pills (Methamphetamine), State Jail Felony, in Travis County, Texas. On September 9, 2020, the offender was released on a surety bond. The probation officer recommended no action to be taken at that time to allow the officer to monitor the cases and advise the Court of the final disposition. The same date, Your Honor concurred with the probation

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officer's recommendation. It should be noted that Possession of a Controlled Substance-Pills (Methamphetamine) case was rejected for prosecution by Travis County District Attorney's Office on September 17, 2020. The case of Driving While Intoxicated 3rd (Felony) was still pending. On October 8, 2020, a felony warrant was issued for the offender's arrest due to the offender's non-compliance while on bond and the warrant remained outstanding at the time of writing the petition. Additionally, due to said law violation, a parole warrant was issued for his arrest and remained pending.

On January 11, 2021, a Report on Offender Under Supervision was submitted to the Court notifying of the offender failed to report to probation office for the months of October, November, and December 2020. The probation officer recommended no action to be taken at that time, but rather allow the state authorities to execute the outstanding warrants. Furthermore, the probation officer advised that court that in the event the offender is arrested by state authorities a 12C will be submitted to the Court requesting the warrant. The same date, Your Honor concurred with the probation officer's recommendation.

On April 26, 2021, a Probation Form 12C, Petition for Warrant or Summons for Offender Under Supervision, was submitted to Your Honor, advising that the offender failed to report to the probation office for the months of October, November, and December 2020. Additionally, the offender failed to report to probation office for the months of January, February, and March 2021. It was further reported that on April 15, 2021, the offender was arrested by the Austin Police Department (APD) for his two outstanding felony warrants. The offender was in custody of the Travis County Sheriff's Office awaiting his state parole violation hearing as well as sentencing for Driving While Intoxicated 3rd Degree Felony case, in Travis County, Texas. A federal warrant was issued on April 28, 2021, and subsequently executed on June 2, 2021.

On April 29, 2021, the defendant's federal case was reassigned to the Honorable Judge Lee Yeakel in the Western District of Texas, Austin Division.

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PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the defendant has violated the following condition(s) of supervision:.

Violation of Mandatory Condition No. 1: “The defendant shall not commit another federal, state or local crime.”

Nature of Noncompliance: On September 7, 2020, the offender was arrested in Travis County, Texas, for Driving While Intoxicated 3rd or More (3rd Degree Felony), under Cause No. D-1-DC-20-205309.

On May 27, 2021, the offender was convicted of Driving While Intoxicated 3rd or More (3rd Degree Felony), under Cause No. D-1-DC-20-205309, in Travis County, Texas. The same date, the offender was placed on 5 years regular community supervision with special conditions to serve 10 days in county jail with credit for back time, surrendering driver’s license for 730 days, SCRAM for 1 year, Ignition Interlock for 60 months, completion of DWI offender certified intervention program (30 hours), 150 hours of community service, and no early termination from supervision. On June 2, 2021, the offender was transferred to U.S. Marshals Service custody on a pending supervised release warrant.

It should be noted that on May 19, 2021, the offender’s state parole violation warrant was withdrawn due to the expiration of the state sentence.

Violation of Standard Condition No. 2: “The defendant shall report to the Probation Officer and shall submit a truthful and complete report within the first five days of each month.”

Nature of Noncompliance: The offender has failed to report to the probation office for the months of October, November, and December 2020. Additionally, the offender failed to report to the probation office for the months of January, February, and March 2021. Attempts to contact the defendant through phone calls and collateral contacts have been unsuccessful.

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U. S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follow:

☐ Other

Approved by,




Craig A. Handy
Supervising U.S. Probation Officer
Date: 6/7/2021

Respectfully submitted,



Bartosz Szatkowski
Sr. U.S. Probation Officer
Date: 6/7/2021

Received by,



Grant Sparks
Assistant U.S. Attorney

☒ recommend

☐ does not recommend

Justification: _____

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THE COURT ORDERS:

 The warrant issued on April 28, 2021, shall remain in effect.



Honorable Susan Hightower
U.S. Magistrate Judge

June 7, 2021

Date